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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/800,476

03/08/2001

Melissa Lee Denbar

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06/13/2007

LEON R TURKEVICH

2000 M STREET NW

7TH FLOOR

WASHINGTON, DC 200363307

EXAMINER

SEFCHECK, GREGORY B

ART UNIT

PAPER NUMBER

2616

MAIL DATE

DELIVERY MODE

06/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/800,476

Applicant(s)

DENBAR ET AL.

Examiner

Gregory B. Sefcheck

Art Unit

2616

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 June 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-3, 5-22, 24-29, 35-37, 39-41 and 43-53.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.


6/11/07
**WING CHAN
SUPERVISORY PATENT EXAMINER**

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments are not convincing. The Examiner has reviewed all of the record and believes the rejections of claims 1-3,5-22,24-29,35-37,39-41 and 43-53 are proper.

In response to item A. and B. of the Remarks, in which Applicant contends that the combination of Terajima and Chang does not properly reject the pending claims, the Examiner respectfully disagrees. Applicant presents several arguments that either Terajima or Chang does not disclose pending claim limitations without properly considering the combination of the references in the claim rejections. It is admitted that neither Terajima nor Chang explicitly disclose "receiving incoming VoIP calls, including receiving the initiation request via a VoIP call control channel between the application server and the gateway". However, Terajima discloses receiving incoming calls including an initiation request through an application server (controller 101, Fig. 1), while Chang discloses VoIP calls received through a gateway (Fig. 3). Therefore, it is the combination of references that meets the claimed limitations rather than any one reference considered independently, where the motivation to combine the references is to enable the system of Terajima to operate on voice and/or fax calls received through the Internet, as has become common in the art, as shown by Chang.

Further, Applicant alleges the disclosure of Chang is used improperly in rejecting the claims because the incoming VoIP calls are received at the telephone through a PBX or PSTN, not a gateway. However, while Chang does disclose such reception through a PBX or PSTN, the calls are also received at a gateway prior to the subsequent transmission through the PBX/PSTN, thereby meeting the claim limitation. Also, Applicant contends that Terajima does not disclose "messages" as claimed, but rather electrical signals. However, the Examiner has shown that the electrical signals in Terajima carry information for the purposes of identifying a particular state of a call, thereby meeting the "message" limitations presented by Applicant. These signaling "messages", when applied to the VoIP environment of Chang, properly rejects the limitation of messaging over a call control channel, as claimed.

In response to item C. of the Remarks, in which Applicant contends that interpreting the claimed "gateway" as the NCU of Terajima is improper, the Examiner respectfully disagrees. Firstly, the Examiner has not relied upon Terajima to explicitly disclose the claimed gateway. The rejection clearly shows Chang teaching this limitation. The NCU switch in Terajima, however, does perform certain detection functions for conventional POTS/PSTN operation that, when operating in the VoIP environment of Chang, would be performed by the gateway disclosed in Chang. Again, as shown above, it is the combination of the two references that rejects the claims rather than any one reference considered independently.

In response to item D. on pg. 10 of the Remarks, in which Applicant contends that any attempt to modify Terajima to eliminate (underlined by Applicant) would be improper, the Examiner respectfully disagrees. Applicant has misrepresented the position presented in the rejection. The Examiner has not proposed to eliminate the NCU of Terajima. As shown in Fig. 11 of Terajima, initiating of messaging prior to CNG detection step S26 is the same for either a fax call or a voice call. Therefore, concurrent messaging for both voice and fax reception is initiated prior to CNG detection (NCU switch operation) and the claim rejections are proper.

In response to item D. (should be E.) on pg. 11 of the Remarks, in which Applicant contends that Terajima does not properly disclose an asynchronous event manager, the Examiner respectfully disagrees. Applicant appears to be placing limitations on the claimed asynchronous event manager from the specification that are not claimed. The reliance of Terajima's disclosure to show detection of rejection/termination of an instance and removal of data from the data structure is proper as shown in the rejection. Terajima shows that the CNG detection of the answering machine is fed back through the NCU to the controller (application server) in Fig. 7, which provides the control of termination and removal of recording from recorder 102. Therefore, the claim rejections are proper.

GBS *GBS*
6/11/2007